

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

The Authors Guild, Inc., Association of  
American Publishers, Inc., et al.,

Plaintiff,

v.

Google Inc.,

Defendant.

No. 05 CV 8136-DC

**DECLARATION OF  
BELINDA BULGER**

I, Belinda Bulger, hereby declare as follows:

1. I am Vice President, Projects and Legal Research, of Kinsella Media, LLC (“KM”), an advertising and legal notification firm in Washington, D.C. that specializes in the design and implementation of class action and bankruptcy notification programs to reach unidentified putative class members.
2. The declaration of Katherine Kinsella, filed in the above-captioned case, outlines my firm’s credentials and the Notice Program designed and implemented by KM in this case. The instant declaration details compliance with the notice requirements set forth by this Court in its November 19, 2009 Order Granting Preliminary Approval of Amended Settlement (“Order”) and additional notice efforts KM executed at the direction of Class Counsel.
3. I have been employed by KM for more than two years, and have personally managed several of the firm’s largest notice programs during that time, including *In re Pharmaceutical Industry Average Wholesale Price Litigation (Track 2 Settlement)*, No. CA:01-CV-12257, MDL No. 1456 (D. Mass.), and *In re International Air*

*Transportation Surcharge Antitrust Litigation*, No. M:06-cv-01793 (N. D. Cal.). I am a member of the State Bar of California (inactive) and the District of Columbia Bar.

4. I was the primary project manager for the above-captioned case at KM and was in charge of all non-paid-media-related aspects of the Notice Program, including coordination with outside author, publisher, and copyright groups.
5. This declaration is based upon my personal knowledge and upon information provided by my colleagues, Class Counsel, and my firm's parent company, Rust Consulting, Inc. ("Rust").

#### **Supplemental Notice Preparation and Translation**

6. The Supplemental Notice summarizes key changes from the Settlement Agreement to the Amended Settlement Agreement. When Class Counsel finalized the content of the Supplemental Notice, KM formatted the document and, on November 23, 2009, provided it to Google for uploading to the Settlement Website. The final Supplemental Notice in English is attached as Exhibit 1.
7. KM then coordinated translation of the Supplemental Notice from English into 36 additional Notice Languages – the languages in which the Settlement Website is available plus Swahili. The Supplemental Notice was available in the same 37 languages in which the original Notice was available.
8. TransPerfect translated the Supplemental Notice into the following 32 languages: Arabic, Bulgarian, Chinese (Simplified), Chinese (Traditional), Croatian, Czech, Danish, Dutch, Finnish, French, Greek, Hebrew, Hindi, Hungarian, Indonesian, Italian, Japanese, Korean, Lithuanian, Malay, Polish, Portuguese (Continental), Portuguese (Brazilian), Romanian, Russian, Serbian, Slovak, Slovenian, Spanish, Thai, Turkish,

and Vietnamese.

9. ASTA-USA translated the Supplemental Notice into three additional languages – German, Norwegian, and Swedish – because that firm had re-translated the original Notice into these languages. It also translated the Supplemental Notice into Swahili because it translated the original Notice into Swahili.
10. Detailed information about the qualifications, experience, and clients of TransPerfect and ASTA-USA are included in Exhibit 55 of the declaration of Katherine Kinsella.
11. Once KM received the translations from TransPerfect and ASTA-USA, KM sent the English-language version of the Supplemental Notice and the translations to Attorney Translation Services (ATS) for further review as part of a pre-planned translation review process. ATS specializes in legal translations and uses attorney-translators or, in some cases Ph.D legal translators or experienced legal translators. More information about ATS and its sample client list are attached as Exhibit 2. KM instructed ATS to have its translators carefully review each translation and provide edits and feedback.
12. KM also sent the following translations of the Supplemental Notice to a team of linguists at Google for their review and comment: Chinese (Simplified), Chinese (Traditional), Dutch, French, German, Indonesian, Japanese, Portuguese (Continental), Portuguese (Brazilian), Russian, and Spanish. KM sent edits from the Google linguists to ATS, and ATS's linguists then incorporated those edits into the translations of the Supplemental Notice, while completing its overall review of the translations. ATS then sent KM the cumulative edits to the translations.
13. KM then sent all edits suggested by Google and by ATS to the two firms that had prepared the initial translations of the Supplemental Notice, TransPerfect and ASTA-

- USA, to ensure that all linguists were in agreement about edits to the translations.
14. Translation certifications from TransPerfect, ASTA-USA, and ATS are attached as Exhibit 3.
  15. Class Counsel advised me that, for additional assurance as to the quality of certain translations of the Supplemental Notice, they sent the Dutch, French, German, and Swedish translations to attorneys who are native speakers of those languages for their further review and they had the Japanese translation reviewed by an experienced translator, a native speaker of Japanese, who had substantial familiarity with the Settlement and its terms. These reviewers provided further edits to the five translations, which KM then incorporated into the translations as part of the process of preparing final versions of the translations of the Supplemental Notice.
  16. On December 10, 2009, KM provided Google with the final translations of the Supplemental Notice in all relevant languages for uploading to the Settlement Website.
  17. Class Counsel advised me that, on December 21, 2009, they received an email calling attention to translation errors in the French-language version of the Supplemental Notice that had been sent out in the body of emails in HTML format. Class Counsel immediately brought the matter to the attention of Rust and KM. Rust confirmed to me that the French-language version of the Supplemental Notice that had been sent via email on December 14, 2009 was not the final, approved version of the French translation of the Supplemental Notice, which, as of December 14, 2009, had been made available on the Settlement Website. Rust immediately contacted TransPerfect for a review. Rust determined that the edits to five of the translations of the Supplemental Notice (Dutch, French, German, Japanese, and Swedish) that had been provided by the attorneys (and by

the Japanese language translator) engaged by Class Counsel had not all been included in the versions sent through email. TransPerfect, under Rust's direction, reviewed all translations of the email versions of the Supplemental Notice. TransPerfect determined that, due largely to a software malfunction, many of the email versions of the translations of the Supplemental Notice varied (to varying degrees) from the final, approved translations of the Supplemental Notice that appeared on the Settlement Website.

18. To ensure that all recipients of emails that had contained translations of the final versions of the Supplemental Notice were made aware of the final, approved translations that were available on the Settlement Website, Rust advised me that Rust sent the following email, in the appropriate language, to each of those recipients: "The Supplemental Notice for the Google Book Settlement that we sent you on December 14 contained some translation errors. Please find the correct translation at: [link to the language-specific PDF of the final Supplemental Notice on the Settlement Website]." For emails in languages with the highest number of recipients, Rust and/or KM also had the translations of the text of such email reviewed by independent native speakers of the languages, including attorneys. Rust advised me that Rust sent these emails, with the text as so reviewed and edited, on December 28, 2009.

#### **Supplemental Notice Distribution**

19. Per the Order: "Beginning on Dec. 14, 2009, Class Counsel shall cause the Supplemental Notice to be emailed or sent by postal mail to all persons who provided contact information on the official settlement website or on a Claim Form, who opted out of the original Settlement Agreement, or who filed an objection, amicus position, or other statement with the Court."

20. The declaration of Tiffaney Allen of Rust confirms distribution of the Supplemental Notice to persons who provided contact information on the official settlement website or on a Claim Form, those who opted out of the original Settlement Agreement, and other recipients, as directed by Class Counsel.
21. KM prepared, and I personally reviewed against a copy of this Court's docket, a list of those individuals and entities that filed an objection, amicus statement, or other statement with the Court in this case. I provided that list to Rust, which executed the email and postal mail notice. When an individual or entity on this list was represented by counsel, notice was sent to the attorney of record. Recipients on this list for whom we had an email address received both email and postal mail notice. If it appeared that English was not the primary language of a recipient, Rust sent the Supplemental Notice in both English and the recipient's presumed native language.
22. Per the instructions of Class Counsel, on November 23, 2009, by email, I contacted three umbrella groups who had assisted with Notice Program participation by their member organizations during the Notice Period: The International Federation of Reproduction Rights Organisations (IFFRO), the Federation of European Publishers (FEP), and the International Publishers Association (IPA). I attached to those emails the final Supplemental Notice in English, explained that the translated versions would be on the Settlement Website by December 14, and asked the three groups to ask their member organizations to distribute the Supplemental Notice to their individual members.
23. Per the instructions of Class Counsel, KM compiled a list of the author, publisher, and copyright groups that had participated in the Direct Notice program during the Notice Period. (The list included members of IFRRO, FEP, and IPA, as well as other

unaffiliated organizations.) KM sent the list to Rust, which emailed the groups on the list on December 1, 2009. The emails were sent from the email address of a KM staffer who previously had worked with these organizations in connection with the Direct Notice program. The emails included a link to the final Supplemental Notice in English, explained that the translated versions of the Supplemental Notice would be available on the Settlement Website by December 14, and asked the groups to distribute the Supplemental Notice to their individual members.

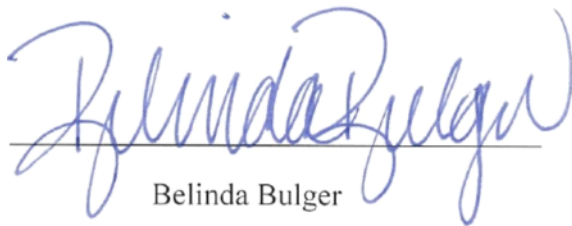
#### **Additional Notice Activities and Monitoring**

24. Per the instructions of Class Counsel, on December 14, 2009, KM distributed a press release regarding distribution of the Supplemental Notice. The press release is attached as Exhibit 4. The press release was distributed on PR Newswire's US1 and Premier Global wires. Details about the media outlet coverage of those wires are available in the declaration of Katherine Kinsella. For distribution on the Premier Global wire, PR Newswire translated the press release into the following languages: Arabic, Canadian French, Chinese (Traditional), Chinese (Simplified), Czech, Dutch, English (Asia), English (Europe), Estonian, French (Europe), German, Greek, Hebrew, Hindi, Indonesian, Italian, Japanese, Korean, Latvian, Lithuanian, Malay, Polish, Portuguese (Brazilian), Portuguese (Continental), Russian, Slovak, Spanish (Europe), Spanish (Latin America), Thai, and Urdu.
25. KM retained CARMA International to track international and domestic media stories about the Amended Settlement during the Supplemental Notice Period. Details about CARMA International, its earned media tracking process, and methodology are available in Exhibits 47 and 48 of the declaration of Katherine Kinsella. CARMA International's

report detailing media coverage of the Amended Settlement between November 13, 2009 and January 28, 2010, is attached as Exhibit 5.

26. KM tracked blogs from September 5, 2009, through January 28, 2010, and documented blog postings about the Amended Settlement. During that time period, at least 1,378 blog postings appeared about the Amended Settlement. A report on these blog postings is attached as Exhibit 6.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of February, 2010 in Bethesda, Maryland.



Belinda Bulger